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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 15, 2016

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10:45 a.m.

Roll call showed all members present.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Hayden Rogers, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 12, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SR 101

BY JUDICIARY AND RULES COMMITTEE

A SENATE RESOLUTION

STATING FINDINGS OF THE SENATE AND PROVIDING FOR THE AMENDMENT OF RULE 20 OF THE RULES OF THE SENATE RELATING TO A COMMITTEE CHAIR'S DECISION.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable that Rule 20 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-third Idaho Legislature, that Rule 20 of the Rules of the Senate shall be amended to read as follows:

RULE 20

Committees – Quorum. – (A) Committees shall not proceed to the transaction of business except upon a quorum being present when the committee convenes, nor thereafter if any member objects to a lack of a quorum. A quorum shall consist of a majority of the committee membership.

Committee Meetings. – (B) No committee shall meet during the session of the Senate, nor at any time occupy the Senate Chamber, without leave of the Senate.

Committees–Rules and Procedure. – (C) Unless otherwise specified, general rules of procedure governing the Senate shall govern procedure in all committees and subcommittees, except there may be no call of any committee or of the Senate while in the Committee of the Whole. A motion to adjourn shall not be in order in the Committee of the Whole.

Committee Meetings to be Open. – (D) All meetings of any standing, select, or special committee shall be open to the public at all times, and any person may attend any hearing of such committee, but may participate in the committee only with the approval of the committee itself. The committee chairman, or the acting chairman, shall announce the subject of the matter under inquiry and proceed with hearing testimony or examining witnesses. Each person testifying before the committee shall state his name, address, business, or occupation, and special interest in the matter being heard.

Committee Meetings, Executive Sessions. – (E) Executive sessions of a standing, special or select committee shall be limited and undertaken only when necessitated by extraordinary circumstances as provided in this rule. A request to go into executive session may be considered by a committee only after the committee has given public notice at least twenty-four hours in advance of the meeting that the committee will have before it a request to meet in executive session, has listed the person(s) or agency that has requested the executive session, and has described the reason(s) for which an executive session has been requested. Only after the committee chairman has identified the reason(s) for holding the executive session and only upon a two-thirds vote recorded in the minutes of the meeting of the committee, shall a committee be allowed to hold an executive session during any meeting, at which time persons who are not members of the legislature may be excluded. Executive sessions shall be held only when and to the extent necessary to: discuss records that are exempt from public disclosure by statute, court decision or court rule; consider pending litigation, mediation or arbitration; consider personnel decisions involving a legislative employee; consider charges brought against or the discipline or dismissal of a member when public disclosure would harm an innocent third party; discuss the security of or threats against state citizens, resources or facilities; or discuss acquiring an interest in real property which is not owned by a public agency. Under no circumstances, however, shall an executive session be authorized or held for the purpose of taking any final action or making any final decision, and during such executive session, no votes or official action may be taken.

Disruption of Meetings. – (F) Nothing in this rule shall prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct is seriously compromised.

Objection to Testimony. – (G) If any member of the committee shall object to the testimony, or any part thereof, of any witness, the chair of the committee may overrule the objection, require the witness to refrain from the objectionable testimony, or may disallow further testimony and otherwise maintain order. The chair of the committee shall decide all questions of order subject to appeal matters dealing with witness testimony and decorum in the committee.

Committee Chair's Decisions. – (H) The chair's decisions are final and are not subject to appeal to the committee. The

committee may not appeal a chair's ruling to the Senate or its Presiding Officer, excepting that nothing in this subsection limits the provisions of Senate Rule 14(E).

Buck Slips. – (H) Buck slips may be used for committee action on the introduction of or recommendations on bills, but only in instances where committee meetings are impractical. The objection to the use of a buck slip by one committee member shall preclude its use in that instance. All committee members, who are not absent and excused from attendance in the Senate on that day, shall be required to sign their names indicating their aye or nay vote on the matter being considered.

SCR 142

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE AMENDMENT OF JOINT RULE 18 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO TO REVISE PROVISIONS RELATING TO STATEMENTS OF PURPOSE AND FISCAL NOTES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Senate and the House of Representatives deem it necessary and desirable to amend Joint Rule 18 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Joint Rule 18 of the Senate and the House of Representatives shall be amended to read as follows:

JOINT RULE 18

~~Statement of Purpose and Fiscal Notes. — No bill shall be introduced in either house unless it shall have attached thereto a concise statement of purpose and fiscal note. The contact person for the statement of purpose and fiscal note shall be identified on the document. A statement of purpose or fiscal note is not a statement of legislative intent nor intended for any use outside of the legislative process. The statement of purpose and fiscal note applies only to a bill as introduced, and does not necessarily reflect any amendment to the bill that may be adopted. No bill making an appropriation, increasing or decreasing existing appropriations, or requiring a future appropriation, or increasing or decreasing revenues of the state or any unit of local government, or requiring a significant expenditure of funds by the state or a unit of local government, shall be introduced unless it shall have attached thereto a fiscal note. This note shall contain an estimate of the amount of such appropriation, expenditure, or change under the bill. The fiscal note shall identify a full fiscal year's impact of the legislation. Statements of purpose and fiscal notes may be combined in the same statement. All statements of purpose and fiscal notes shall be reviewed for compliance with this rule by the committee to which the bill is assigned. A member may challenge the sufficiency of a statement of purpose or fiscal note at any time prior to passage, except upon introduction. Nothing in this rule shall prohibit a statement of purpose or fiscal note from being revised.~~

Statement of Purpose and Fiscal Notes – General Provisions.
– No bill shall be introduced in either house unless it shall have attached thereto a concise statement of purpose and fiscal note. The contact person for the statement of purpose and fiscal note

shall be identified on the document. Statements of purpose and fiscal notes may be combined in the same statement.

Statement of Purpose. – (a) The statement of purpose applies only to a bill as introduced, and does not necessarily reflect any amendment to the bill that may be adopted. All statements of purpose shall be reviewed for compliance with this rule by the committee to which the bill is assigned, excepting that any review is subject to Joint Rule 18 (e).

Fiscal Notes. – (b) The fiscal note applies only to a bill as introduced, and does not necessarily reflect any amendment to the bill that may be adopted. The fiscal note shall reasonably contain the proponent's full fiscal year projected increase or decrease in existing or future appropriations, and/or the increase or decrease in revenues by the state or unit(s) of local government. The bill's proponent bears the responsibility to provide an accurate fiscal note. If the fiscal note states there is no projected fiscal impact, then the fiscal note must contain a statement of the reasons that no fiscal impact is projected. All fiscal notes shall be reviewed for compliance with this rule by the committee to which the bill is assigned, excepting that any compliance review is subject to Joint Rule 18 (e). A member of the committee may challenge the sufficiency of a fiscal note at any time prior to the committee's final action on the bill. In addition, prior to final committee action on the bill, if one-third or more of its appointed members notify the chair of the committee that they reasonably believe the fiscal note does not comply with this rule, the chair may appoint a subcommittee to review the fiscal note. The subcommittee must report its review, if any, at the next scheduled committee meeting or at a time designated by the chair.

Debate. – (c) Any member of either house may debate the sufficiency of a statement of purpose or fiscal note at the time of consideration of the bill.

May be Revised. – (d) Either house may revise the statement of purpose or fiscal note at any time before that house's final action on the bill.

Not a Statement of Legislative Intent. – (e) Statements of purpose and fiscal notes are mere attachments to the bill and are not voted on. The statement of purpose and fiscal note are not expressions or statements of legislative intent, and are not intended for any use outside of the legislative process, including judicial review.

Notice to Others. – (f) Each statement of purpose and fiscal note shall contain this notice: "This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18)."

SCR 143

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE AMENDMENT OF JOINT RULE 20 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO,

REVISING PROVISIONS RELATING TO TRANSMITTAL OF A JOINT RESOLUTION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Senate and the House of Representatives deem it necessary and desirable to amend Joint Rule 20 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that Joint Rule 20 of the Senate and the House of Representatives shall be amended to read as follows:

JOINT RULE 20

Constitutional Amendments. – A Joint Resolution proposing an amendment to the Constitution of the State of Idaho must be introduced on or before the thirty-sixth day of the Regular Legislative Session and must be transmitted from the house of origin to the other house prior to the fifty-fifth day of the Regular Legislative Session; provided however, in the event the fifty-fifth day of the Regular Legislative Session falls on a Saturday or Sunday, such transmittal must be made on or prior to the fifty-seventh day of the Regular Legislative Session. The provisions of this rule may be waived by the presiding officer of either house upon presentment of a signed petition by the majority or minority leadership of the house. Requests for a proposed amendment to the Constitution of the State of Idaho shall be in the Office of Legislative Services for drafting at least seven calendar days prior to its intended introduction date.

SCR 144

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE AMENDMENT OF JOINT RULE 21 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO REVISING PROVISIONS RELATING TO CERTAIN RECORDED PROCEEDINGS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Senate and the House of Representatives deem it necessary and desirable to amend Joint Rule 21 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that Joint Rule 21 of the Senate and the House of Representatives shall be amended to read as follows:

JOINT RULE 21

Recording of Proceedings of the Chambers. – The proceedings of each house shall be recorded and live streamed by an authorized designee, provided that either house may suspend or end recording and/or live streaming of its proceedings upon a two-thirds vote of the chamber wherein the proceeding takes place. A statement made during floor or committee proceedings is indicative only of the individual speaker and is not an expression of legislative intent by the body as a whole. No recording shall substitute for the Journal of either house as required by Section 13, Article III of the Constitution of the State of Idaho. All recordings shall be maintained by the Director of Legislative Services or his designee for two years, and then transferred. A

copy of any recorded proceedings more than two years old will be provided to the state archivist. No member of the Legislature, its employees, or designees shall be permitted to certify or authenticate any recording made under this rule.

SCR 145

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENDORSING THE NEED FOR A SECOND VETERANS CEMETERY IN EASTERN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho is the home to more than 132,000 veterans; and

WHEREAS, more than 30,000 veterans live in the Eastern Idaho catchment areas; and

WHEREAS, the nearest veterans cemetery to Eastern Idaho is the Idaho State Veterans Cemetery in Boise, Idaho, that is more than 200 miles driving distance; and

WHEREAS, although the Boise Idaho State Veterans Cemetery is a beautiful resting place for Idaho veterans, due to its distance from Eastern Idaho and the population density of the region, the needs of Eastern Idaho veterans and their families are not met by the Idaho State Cemetery in Boise, Idaho; and

WHEREAS, pursuant to 38 CFR 39 the state is obligated to provide the land and pay for ongoing cemetery maintenance and operation of a state veterans cemetery; and

WHEREAS, pursuant to 38 CFR 39 the federal government shares this belief, and the Department of Veterans Affairs' State Cemetery Grants Service pays 100% of architectural and engineering costs, to include planning, construction, and equipment, for the development of a state veterans cemetery; and

WHEREAS, pursuant to 38 CFR 39 the state is obligated to provide 10% architectural and engineering matching funds necessary to qualify for federal funding; and

WHEREAS, pursuant to 38 CFR 39 the 10% architectural and engineering matching funds will be reimbursed to the state following grant award; and

WHEREAS, Eastern Idaho leaders and the community have identified potential land donations in an effort to meet the state's obligation to provide land.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we endorse the need for a second veterans cemetery in Eastern Idaho and that legislation should be adopted to facilitate the exchange of property and to authorize the Division of Veterans Services to accept gifts, grants, contributions and bequests, and to purchase and hold title to property on behalf of the State of Idaho.

BE IT FURTHER RESOLVED that the Legislature should act expeditiously so that no more time passes before Eastern Idaho's veterans are given the respect they are so worthy of receiving.

SCR 146

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DESIGNATING THE STATE OF IDAHO AS A PURPLE HEART STATE AND PROVIDING THAT AUGUST 7 IS PURPLE HEART DAY IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, 1,026 of Idaho veterans were killed in combat during major wars from WWI to the present, and approximately 2,683 were wounded during those wars, making over 3,709 Idahoans eligible for the Purple Heart award; and

WHEREAS, fourteen states across the United States have honored their combat wounded and killed military veterans by proclaiming their states to be Purple Heart states; and

WHEREAS, the cities of Boise, Pocatello, Nampa and Fruitland—all served by I-84, named by the Idaho Legislature as the Vietnam Veterans Memorial Highway—were designated as Purple Heart cities in 2015; and

WHEREAS, the mission of the Military Order of the Purple Heart, chartered by an act of Congress, is to foster an environment of goodwill among combat wounded veterans and their families, to promote patriotism, to support legislative initiatives and, most importantly, to ensure that we never forget the sacrifices of veterans killed in action and wounded in combat; and

WHEREAS, the State of Idaho honors the service and sacrifices of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedom enjoyed by all Americans.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we designate the State of Idaho as a Purple Heart state and permanently set the date of August 7th as Purple Heart Day for the State of Idaho.

[SR 101](#), [SCR 142](#), [SCR 143](#), [SCR 144](#), [SCR 145](#), and [SCR 146](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 15, 2016

The JUDICIARY AND RULES Committee reports that [SCR 139](#), [SCR 140](#), [SCR 141](#), [S 1310](#), [S 1311](#), [S 1312](#), [S 1313](#), [S 1314](#), [S 1315](#), [S 1316](#), [S 1317](#), [S 1318](#), [S 1319](#), [S 1320](#), [S 1321](#), [S 1322](#), [S 1323](#), [S 1324](#), and [S 1325](#) have been correctly printed.

LODGE, Chairman

[SCR 139](#), [SCR 140](#), and [SCR 141](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1310](#), [S 1311](#), and [S 1312](#) were referred to the Transportation Committee.

[S 1313](#), [S 1314](#), [S 1315](#), [S 1316](#), [S 1317](#), [S 1318](#), and [S 1319](#) were referred to the Commerce and Human Resources Committee.

[S 1320](#) was referred to the Education Committee.

[S 1321](#) was referred to the State Affairs Committee.

[S 1322](#) was referred to the Health and Welfare Committee.

[S 1323](#) and [S 1324](#) were referred to the State Affairs Committee.

[S 1325](#) was referred to the Local Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 12, 2016

Dear Mr. President:

I transmit herewith [HCR 30](#), [H 427](#), [HCR 29](#), [H 383](#), [H 355](#), [HCR 34](#), [H 429](#), and [H 440](#), which have passed the House.

ALEXANDER, Chief Clerk

[HCR 30](#), [H 427](#), [HCR 29](#), [H 383](#), [H 355](#), [HCR 34](#), [H 429](#), and [H 440](#) were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1326

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO SUICIDE PREVENTION; AMENDING SECTION 56-1003, IDAHO CODE, TO GRANT CERTAIN AUTHORITY TO THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE A TECHNICAL CORRECTION.

[S 1326](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HCR 30](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

[H 427](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[HCR 29](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

[H 383](#), by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 355](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[HCR 34](#), by Health and Welfare Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

[H 429](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 440](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 445](#) and [H 446](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 385](#), by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[S 1262](#), by Transportation Committee, was read the second time at length and filed for third reading.

[S 1265](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[S 1231](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[SJR 101](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1230](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Den Hartog arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bayer, Brackett, Den Hartog, Hagedorn, Harris, Nuxoll, Rice, Vick. Total - 8.

NAYS—Anthon, Bair, Buckner-Webb, Burgoyne, Davis, Guthrie, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Patrick, Schmidt, Siddoway, Souza, Stennett, Thayn, Ward-Engelking, Winder. Total - 27.

Total - 35.

Whereupon the President declared that [S 1230](#) had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

MEMORIAL SERVICE

The service was conducted by Memorial Service Committee Co-chairmen Senator Mary Souza and Senator Abby Lee. The Invocation was delivered by Senator Anthon. "Amazing Grace" was performed by Senator Buckner-Webb accompanied by Steven Eaton. The Benediction was delivered by Senator Lee. The Service was coordinated by Laura McInnes, Secretary to the Secretary of the Senate.

IN THE SENATE A SENATE MEMORIAL

WHEREAS, the late Senator STEVEN L. HERNDON passed on since the close of the First Regular Session of the Sixty-third Legislature to wit, October 22nd, 2015.

WHEREAS, the late Senator STEVEN L. HERNDON served in the interest of Bonner and Boundary Counties during the Forty-ninth Legislature of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-third Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator STEVEN L. HERNDON; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-third Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the STEVEN L. HERNDON family.

On motion by Senator Keough, seconded by Senator Nuxoll, the Memorial to the late Senator Herndon was adopted by voicevote.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:20 p.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Pro Tempore Hill presiding.

Roll call showed all members present except Senator Lakey, absent and formally excused by the Chair; and Senators Anthon, Den Hartog, Martin, Mortimer, Nonini, Patrick, Souza, Thayn, and Ward-Engelking, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 15, 2016

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Erwin L. Sonnenberg to the Sexual Offender Management Board, term to expire January 1, 2017.

Jeffrey Betts to the Sexual Offender Management Board, term to expire January 1, 2019.

Matthew Allen Thomas to the Sexual Offender Management Board, term to expire January 1, 2019.

Michael David Johnston to the Sexual Offender Management Board, term to expire January 1, 2019.

Moir A. Lynch to the Sexual Offender Management Board, term to expire January 1, 2018.

William Dale Crawford to the Sexual Offender Management Board, term to expire January 1, 2018.

Mike H. Matthews to the Commission on Pardons and Parole, term to expire January 1, 2019.

LODGE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 15, 2016

The EDUCATION Committee reports out [S 1257](#) with the recommendation that it do pass.

MORTIMER, Chairman

[S 1257](#) was filed for second reading.

February 15, 2016

The HEALTH AND WELFARE Committee reports out [S 1250](#) and [S 1251](#) with the recommendation that they do pass.

HEIDER, Chairman

[S 1250](#) and [S 1251](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1327

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO VULNERABLE ADULTS; AMENDING SECTION 18-1505, IDAHO CODE, TO REVISE A DEFINITION.

S 1328

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1602, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 16-1615, IDAHO CODE, TO REVISE CRITERIA USED BY A COURT IN A SHELTER CARE HEARING; AMENDING SECTION 16-1619, IDAHO CODE, TO REQUIRE A COURT TO MAKE CERTAIN INQUIRIES IN AN ADJUDICATORY HEARING AND TO REQUIRE THE DEPARTMENT TO MAKE A CERTAIN REPORT TO A COURT FOR CERTAIN CHILDREN; AMENDING SECTION 16-1620, IDAHO CODE, TO REQUIRE A PERMANENCY HEARING FOR A CERTAIN TIME PERIOD, TO PROVIDE FOR CERTAIN PERSONS IN A PERMANENCY PLAN, TO REVISE REQUIREMENTS FOR A PERMANENCY PLAN, TO PROVIDE REQUIREMENTS FOR A PERMANENCY HEARING AND TO PROVIDE FOR CERTAIN YOUTH WITH CERTAIN PERMANENCY GOALS; AMENDING SECTION 16-1621, IDAHO CODE, TO REQUIRE A COURT TO MAKE CERTAIN INQUIRIES IN A CASE PLAN HEARING, TO REVISE TERMINOLOGY AND TO REVISE PROVISIONS REGARDING THE REQUIREMENTS OF A CASE PLAN; AMENDING SECTION 16-1622, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE REQUIREMENTS FOR A REVIEW HEARING, TO PROVIDE FOR A STATUS HEARING, TO REVISE PROVISIONS REGARDING THE REQUIREMENTS FOR A PERMANENCY PLAN AND HEARING AND TO PROVIDE FOR A REVIEW OR PERMANENCY HEARING FOLLOWING THE FILING OF A TRANSITION PLAN; AMENDING SECTION 16-1623, IDAHO CODE, TO PROVIDE FOR A REDISPOSITION HEARING IN CERTAIN INSTANCES AND TO REVISE A PROVISION REGARDING CASE PLAN HEARINGS; AND AMENDING SECTION 16-2002, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1329

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-2426, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN GOVERNMENT VEHICLES THAT ARE EXEMPT FROM CERTAIN MARKINGS; AND AMENDING SECTION 49-2427, IDAHO CODE, TO REVISE A PROVISION REGARDING LIGHTING ON STATE POLICE VEHICLES, TO PROVIDE AN EXEMPTION FOR CERTAIN VEHICLES AND TO MAKE TECHNICAL CORRECTIONS.

S 1330

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-520, IDAHO CODE, TO PROVIDE THAT THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT SHALL ADOPT A CERTAIN POLICY, TO FURTHER DEFINE TERMS, AND TO ALLOW CERTAIN STUDENTS TO POSSESS AND USE CERTAIN MEDICATIONS AND SUPPLIES.

S 1331

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-907, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PUBLIC EDUCATION STABILIZATION FUND, TO PROVIDE FOR AN ANNUAL TRANSFER OF CERTAIN MONEYS FROM THE GENERAL FUND TO THE PUBLIC EDUCATION STABILIZATION FUND, TO PROVIDE CONDITIONS FOR SUCH TRANSFER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 57-814, IDAHO CODE, TO REVISE AN AMOUNT TO BE TRANSFERRED FROM THE GENERAL FUND TO THE BUDGET STABILIZATION FUND; AMENDING SECTION 57-814, IDAHO CODE, AS ENACTED BY SECTION 9, CHAPTER 341, LAWS OF 2015, TO REVISE AN AMOUNT TO BE TRANSFERRED FROM THE GENERAL FUND TO THE BUDGET STABILIZATION FUND AND TO REVISE A TRANSFER DATE; AND PROVIDING AN EFFECTIVE DATE.

S 1332

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 22, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2213, IDAHO CODE, TO ESTABLISH THE INDUSTRY PARTNER FUND AND RELATED PROVISIONS AND TO GRANT RULEMAKING AUTHORITY.

S 1333

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-910, IDAHO CODE, TO PROVIDE THE BROADBAND INFRASTRUCTURE IMPROVEMENT GRANT FUND AND RELATED PROVISIONS, TO REQUIRE RULEMAKING AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY.

S 1334
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO EDUCATION; REPEALING SECTION 67-5745D, IDAHO CODE, RELATING TO THE IDAHO EDUCATION NETWORK; REPEALING SECTION 67-5745E, IDAHO CODE, RELATING TO THE IDAHO EDUCATION NETWORK PROGRAM AND RESOURCE ADVISORY COUNCIL (IPRAC); AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 56, TITLE 33, IDAHO CODE, TO PROVIDE THE EDUCATION OPPORTUNITY RESOURCE ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE PURPOSE, FINDINGS AND LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE THE EDUCATION OPPORTUNITY RESOURCE COMMITTEE, TO PROVIDE SUCH COMMITTEE'S MEMBERS AND MEETING REQUIREMENTS AND POWERS AND DUTIES, TO PROVIDE DUTIES OF THE STATE DEPARTMENT OF EDUCATION AND TO PROVIDE RULEMAKING AUTHORITY TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-125, IDAHO CODE, TO REMOVE A REFERENCE TO THE IDAHO EDUCATION NETWORK; AND AMENDING SECTION 33-125A, IDAHO CODE, TO REMOVE REFERENCE TO THE IDAHO EDUCATION NETWORK AND TO THE IPRAC.

S 1335
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO EXECUTIVE SESSIONS UNDER THE OPEN MEETINGS LAW; AMENDING SECTION 74-206, IDAHO CODE, TO REVISE CONDITIONS WHEN AN EXECUTIVE SESSION IS AUTHORIZED REGARDING THE ACQUISITION, SALE OR LEASE OF AN INTEREST IN REAL PROPERTY BY A PUBLIC AGENCY AND TO PROVIDE A CORRECT CODE REFERENCE.

S 1336
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1602, IDAHO CODE, TO PROVIDE THAT THE APPLICABILITY OF CERTAIN PROVISIONS TO CERTAIN PUPILS IS GOVERNED BY SUCH PUPIL'S INDIVIDUALIZED EDUCATION PLAN AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1337
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO DEFINE TERMS AND TO REVISE A DEFINITION; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE AN ADDITIONAL WAY TO FORM A PUBLIC CHARTER SCHOOL AND TO SPECIFY THAT A CHARTER HOLDER MAY NOT OPERATE ENTERPRISES OTHER THAN THE PUBLIC CHARTER SCHOOLS FOR WHICH IT HAS BEEN AUTHORIZED; AMENDING SECTION 33-5204, IDAHO CODE, TO ALLOW PUBLIC CHARTER SCHOOL NONPROFIT BOARDS TO HOLD MULTIPLE CHARTERS UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5204, IDAHO CODE, AS AMENDED BY SECTION 71, CHAPTER 141, LAWS OF 2015, TO

ALLOW PUBLIC CHARTER SCHOOL NONPROFIT BOARDS TO HOLD MULTIPLE CHARTERS UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5205, IDAHO CODE, TO REVISE PROVISIONS REGARDING PETITIONS TO ESTABLISH PUBLIC CHARTER SCHOOLS, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5205C, IDAHO CODE, TO PROVIDE FOR CHARTER SCHOOL REPLICATION AND RELATED PROVISIONS; AMENDING SECTION 33-5206, IDAHO CODE, TO REQUIRE REPLICATION PUBLIC CHARTER SCHOOLS TO ESTABLISH A CERTAIN ADMISSION PREFERENCE POLICY, TO ALLOW PUBLIC CHARTER SCHOOLS TO CONTRACT WITH EDUCATIONAL SERVICES PROVIDERS SUBJECT TO CERTAIN CONDITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-5207, IDAHO CODE, TO PROVIDE THAT REPLICATION PUBLIC CHARTER SCHOOLS ARE SUBJECT TO PROVISIONS REGARDING CHARTER REPEAL PROCEDURES; AMENDING SECTION 33-5208, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5209A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ACCOUNTABILITY REQUIREMENTS; AMENDING SECTION 33-5209B, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHARTER RENEWALS; AMENDING SECTION 33-5209C, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ENFORCEMENT, REVOCATION AND APPEAL PROCESS FOR CHARTER HOLDERS; AMENDING SECTION 33-5210, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN EXEMPTIONS, TO REMOVE A PROVISION THAT SUBJECTS CERTAIN PUBLIC CHARTER SCHOOLS TO CERTAIN RULES AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE.

S 1338
BY RESOURCES AND ENVIRONMENT COMMITTEE
 AN ACT

RELATING TO ABATEMENT OF PUBLIC NUISANCES; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 31-831 THROUGH 31-834, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR DECLARATION OF A CATASTROPHIC PUBLIC NUISANCE AND TO PROVIDE AUTHORITY TO DECLARE AND DEMAND ABATEMENT, TO PROVIDE FOR EMERGENCY ABATEMENT OF A CATASTROPHIC PUBLIC NUISANCE AND TO PROVIDE FOR LIMITATIONS.

S 1339
BY RESOURCES AND ENVIRONMENT COMMITTEE
 AN ACT

RELATING TO OIL AND GAS; AMENDING SECTION 47-317, IDAHO CODE, TO REMOVE PROVISIONS REGARDING EMPLOYMENT OF PERSONNEL AND CONTRACTING FOR SERVICES, TO PROVIDE FOR THE AUTHORITY OF THE DEPARTMENT OF LANDS, TO REMOVE CERTAIN PROVISIONS REGARDING HEARINGS, TO REMOVE PROVISIONS RELATING TO THE DESIGNATION OF HEARING OFFICERS AND CONTESTED HEARINGS AND TO PROVIDE THAT THE COMMISSION SHALL FOLLOW CERTAIN PROCEDURES; AMENDING SECTION 47-318, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 47-320, IDAHO CODE, TO

PROVIDE A PROCEDURE REGARDING APPLICATIONS FOR PERMITS OR CERTAIN AUTHORIZATIONS TO DRILL OR TREAT WELLS AND TO PROVIDE THAT THE DEPARTMENT OF LANDS SHALL COLLECT SPECIFIED FEES; AMENDING SECTION 47-321, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT SHALL HAVE SPECIFIED RESPONSIBILITIES ASSOCIATED WITH SPACING UNITS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 47-322, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT SHALL HAVE SPECIFIED RESPONSIBILITIES REGARDING INTEGRATION, TO REVISE PROVISIONS REGARDING INTEGRATION, TO PROVIDE FOR THE DESIGNATION OF OPERATORS FOR INTEGRATED UNITS, TO PROVIDE FOR OPTIONS TO BE SET FORTH IN INTEGRATION ORDERS, TO PROVIDE FOR APPLICATIONS FOR ORDERS OF INTEGRATION, TO PROVIDE FOR NOTICE TO CERTAIN OWNERS, TO PROVIDE FOR THE CONFIDENTIALITY OF CERTAIN INFORMATION AND TO PROVIDE THAT APPLICATIONS SHALL BE SUBJECT TO SPECIFIED PROCEDURES; AMENDING SECTION 47-323, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT SHALL HAVE SPECIFIED RESPONSIBILITIES REGARDING UNIT OPERATIONS AND TO REVISE PROVISIONS REGARDING APPLICATIONS FOR UNIT OPERATIONS; AMENDING SECTION 47-324, IDAHO CODE, TO REVISE AND TO SET FORTH PROVISIONS AND PROCEDURES ASSOCIATED WITH RULEMAKING, COMPLAINTS, APPLICATION FOR ORDERS, PETITIONS, ORDERS AND APPEALS AND TO PROVIDE FOR JUDICIAL REVIEW OF ACTIONS; AND DECLARING AN EMERGENCY.

S 1340

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1109, IDAHO CODE, TO PROVIDE A PROCESS FOR CLAIMS IN THE EVENT OF DAMAGE TO BEES AND BEEHIVES BY BEARS.

S 1341

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO RESIDENTIAL CARE OR ASSISTED LIVING FACILITIES; AMENDING SECTION 39-3357, IDAHO CODE, TO PROVIDE THAT RESIDENTIAL OR ASSISTED LIVING FACILITIES MAY BE CITED ONLY FOR VIOLATIONS OF A REQUIREMENT THAT IS SPECIFIED IN AN APPLICABLE LAW OR RULE.

[S 1327](#), [S 1328](#), [S 1329](#), [S 1330](#), [S 1331](#), [S 1332](#), [S 1333](#), [S 1334](#), [S 1335](#), [S 1336](#), [S 1337](#), [S 1338](#), [S 1339](#), [S 1340](#), and [S 1341](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senators Anthon and Ward-Engelking were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

Senators Den Hartog, Souza, and Martin were recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 4:35 p.m. until the hour of 10:30 a.m., Tuesday, February 16, 2016.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary